

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: Paul A. Holmes

Case No.: 16-18005

Judge: VFP

Debtor(s) Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original☐ Motions Included☒ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge SoughtDate: July 13,  
2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
 CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor has paid \$3,201.00 to date and shall continue to pay 290.00 Monthly to the Chapter 13 Trustee, resuming on August 1, 2017 for approximately 45 months remaining in the Chapter 13 Plan.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐

Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐

Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_

☒

Loan modification with respect to mortgage encumbering property

Description: All arrears will be part of the loan modification process for property location: 187 North 9th Street, Newark, New Jersey 07107

Proposed date for completion: January 1, 2018

d.

☐

The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e.

☒

Other information that may be important relating to the payment and length of plan:

Debtor will pay adequate protection payment directly to ASC in the total amount of \$1,416.56.

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Russell L. Low 4745	Attorney Fees	2,485.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
WELLS FARGO HOME MTG (DBA) AMERICAS SERV	187 North 9th Street Newark, NJ 07107 Essex County	87,334.00	0.00	4,967.00	1,947.63

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
AMERIFIRST HOME IMPROVEMENT FINANCE	187 North 9th Street Newark, NJ 07107 Essex County	25,051.00	196,000.00	Mortgage WELLS FARGO HOME MTG (DBA) AMERICAS SERV - 248,589.00	No value	N/A	0.00
AMERIFIRST HOME IMPROVEMENT FINANCE	187 North 9th Street Newark, NJ 07107 Essex County	22,129.00	196,000.00	Mortgage WELLS FARGO HOME MTG (DBA) AMERICAS SERV - 248,589.00 Second Mortgage AMERIFIRST HOME IMPROVEMENT FINANCE - 25,051.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
-NONE-

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

## Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

\_\_\_\_\_ x *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

## Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
AMERIFIRST HOME IMPROVEMENT FINANCE	187 North 9th Street Newark, NJ 07107 Essex County	25,051.00
AMERIFIRST HOME IMPROVEMENT FINANCE	187 North 9th Street Newark, NJ 07107 Essex County	22,129.00

c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

### Part 8: Other Plan Provisions

#### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

#### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

#### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

#### d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

### Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified:.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
Modified plan to extend loan modification deadline.	Client is currently in a Trial Period Agreement and is extending the deadline to finalize a loan modification to complete the trial payments to the Lender.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

### Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date July 13, 2017 /s/ Russell L. Low  
Russell L. Low 4745  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 13, 2017 /s/ Paul A. Holmes  
Paul A. Holmes

Debtor

Date: \_\_\_\_\_

Joint Debtor \_\_\_\_\_

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Paul A. Holmes  
 Debtor

Case No. 16-18005-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 27

Date Rcvd: Jul 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 22, 2017.

db +Paul A. Holmes, 187 North 9th Street, Newark, NJ 07107-1743  
 cr +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, Phelan Hallinan & Schmieg, PC,  
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
 516139209 #+BANK OF AMERICA, NC4-105-03-14, PO BOX 26012, GREENSBORO, NC 27420-6012  
 516339599 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 516139210 +CAPITAL ONE, ATTN: BANKRUPTCY, PO BOX 30285, SALT LAKE CITY, UT 84130-0285  
 516139211 +CAPITAL ONE, ATTN: BANKRUPTCY, POB 30253, SALT LAKE CITY, UT 84130-0253  
 516139213 +CITIBANK/THE HOME DEPOT, CITICORP CREDIT SRVS/CENTRALIZED BANKRUP, PO BOX 790040,  
 SAINT LOUIS, MO 63179-0040  
 516139214 +CREDIT ACCEPTANCE, 25505 WEST 12 MILE RD, SUITE 3000, SOUTHFIELD, MI 48034-8331  
 516363752 +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS ET AL., Default Document Processing, N9286-01Y,  
 1000 Blue Gentian Road, Eagan, MN 55121-7700  
 516363750 +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE E, Default Document Processing, N9286-01Y,  
 1000 Blue Gentian Road, Eagan, MN 55121-7700  
 516139216 +Essex County Sheriff Office, 50 W Market Street, 2nd Floor, Newark, NJ 07102-1692  
 516139217 +OCWEN, ATTENTION: BANKRUPTCY, P.O. BOX 24738, WEST PALM BEACH, FL 33416-4738  
 516139218 +QUALITY ASSET RECOVERY, 7 FOSTER AVE, GIBBSBORO, NJ 08026-1191  
 516139219 +REMEX INC, 307 WALL ST, PRINCETON, NJ 08540-1515  
 516139220 +RUSHMORE LOAN MANAGEMENT SERVICES, ATTN: BANKRUPTCY, 15480 LAGUNA CANYON RD,  
 IRVINE, CA 92618-2132  
 516139221 +Shapiro & DeNardo, LLP, 14000 Commerce Parkway, Suite B, Mount Laurel, NJ 08054-2242  
 516667800 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,  
 Highlands Ranch, Colorado 80129-2386  
 516667801 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,  
 Highlands Ranch, Colorado 80129, Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386  
 516139223 +WELLS FARGO HOME MTG (DBA) AMERICAS SERV, 1000 BLUE GENTIAN RD. #300, MAC #X7801-02K,  
 EAGAN, MN 55121-1786

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 20 2017 23:10:54 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jul 20 2017 23:10:50 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516139207 E-mail/Text: bnc@trustamerifirst.com Jul 20 2017 23:10:45  
 AMERIFIRST HOME IMPROVEMENT FINANCE, 11171 MILL VALLEY RD., OMAHA, NE 68154  
 516139212 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Jul 20 2017 23:07:49  
 CAPITAL ONE AUTO FINANCE, 7933 PRESTON RD, PLANO, TX 75024-2302  
 516139215 +E-mail/Text: mrdiscen@discover.com Jul 20 2017 23:10:16 DISCOVER FINANCIAL,  
 ATTN: BANKRUPTCY, PO BOX 3025, NEW ALBANY, OH 43054-3025  
 516164654 E-mail/Text: mrdiscen@discover.com Jul 20 2017 23:10:16 Discover Bank,  
 Discover Products Inc, P.O. Box 3025, New Albany Ohio 43054-3025  
 516360971 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 20 2017 23:14:26  
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541  
 516139222 +E-mail/PDF: gecsedirecoverycorp.com Jul 20 2017 23:07:16 SYNCHRONY BANK/PC RICHARD,  
 ATTN: BANKRUPTCY, PO BOX 103104, ROSWELL, GA 30076-9104

TOTAL: 8

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516139208\* ++AMERIFIRST HOME IMPROVEMENT FINANCE, 11171 MILL VALLEY ROAD, OMAHA NE 68154-3933  
 (address filed with court: AMERIFIRST HOME IMPROVEMENT FINANCE, 11171 MILL VALLEY RD.,  
 OMAHA, NE 68154)

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
 While the notice was still deliverable, the notice recipient was advised to update its address with the court  
 immediately.

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 27

Date Rcvd: Jul 20, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 22, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 13, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-WMC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-WMC2 nj.bkecf@fedphe.com  
Denise E. Carlon on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-WMC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-WMC2 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
James Patrick Shay on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-WMC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-WMC2 james.shay@phelanhallinan.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Michael Frederick Dingerdissen on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-WMC2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-WMC2 nj.bkecf@fedphe.com  
Russell L. Low on behalf of Debtor Paul A. Holmes rbear611@aol.com, ecf@lowbankruptcy.com;r57808@notify.bestcase.com

TOTAL: 6